



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/574,915

04/07/2006

Shoji Yuyama

2006_0541A

8780

513

7590

12/10/2010

WENDEROTH, LIND & PONACK, L.L.P.

1030 15th Street, N.W.,

Suite 400 East

Washington, DC 20005-1503

EXAMINER

KHUU, HIEN DIEU THI

ART UNIT

PAPER NUMBER

2857

NOTIFICATION DATE

DELIVERY MODE

12/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com

coa@wenderoth.com

Office Action Summary	Application No. 10/574,915	Applicant(s) YUYAMA ET AL.	
	Examiner CINDY HIEN-DIEU KHUU	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-14 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/09, 5/16/08, 11/6/07, 7/13/06</u> . | 6) <input type="checkbox"/> Other: ____. |

QUAYLE ACTION

This application is in condition for allowance except for the following formal matters:

1. The abstract of the disclosure does not state of the technical disclosure, it exceeds 150 words in length, and it is not in a single paragraph.
2. Figures 34, 38 and 39 contain a typographical error "Flg." instead of -- Fig. --
3. Figure 29 contains low quality font.
4. Figures 2A-B does not correlate with discloser. Specification only disclose of Figure 2.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Pertinent Art Cited

The following US Patent Applications reveal the current state of the art:

Omura et al. (US 2001/0008984) teaches of a drug dispensing apparatus (fig.2) comprising a cassette (cassette 20) for containing drugs in an aligned state (drug 1, fig.1), a pushing unit (22) for pushing said drugs toward said rotor (fig.2), and a measuring unit (41 and 42) for measuring the present quantity of said drugs in said cassette (par.0091). Omura further teaches of sensing dispensing and receiving position by on and off switches of measuring unit (par.0094) and incrementing or decrementing count value stored in table (table 46) to accurately reflects the number of medicine contained in the cassette (20; par.0096).

However, Omura does not teach at least of a rotor disposed at one open end of said cassette, a drive mechanism for pivoting said rotor alternately between a dispensing position and a receiving position by operating a drive switch to dispense said drugs one by one, and wherein when said rotor is returned to the receiving position from the dispensing position, the present quantity N measured by the measuring unit is compared with the stock quantity N_0 stored in said memory unit, wherein if the present quantity N is less than the stock quantity N_0 , the present quantity N is stored in said memory unit as a stock quantity N_0 , while if the present quantity N is same as the stock quantity N_0 , it is informed that said drug has been forgotten to take out.

Allowable Subject Matter

Claims 8-14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claim 1 is the inclusion of the limitation “wherein when said rotor is returned to the receiving position from the dispensing position, the present quantity N measured by the measuring unit is compared with the stock quantity N_0 stored in said memory unit, wherein if the present quantity N is less than the stock quantity N_0 , the present quantity N is stored in said memory unit as a stock quantity N_0 , while if the present quantity N is same as the stock quantity N_0 , it is informed that said drug has been forgotten to take out”. The prior art of record, taken alone or in combination, fails to disclose or render obvious.

Claims 9-14 are allowed due to their dependency on claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy D. Khuu whose telephone number is (571) 272-8585. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Schechter can be reached on (571) 272-2302. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CINDY HIEN-DIEU KHUU/
Primary Examiner, Art Unit 2857
12/06/2010